

Native-Language Education: Addressing the Interests of Special Populations within U.S. Federal Policy

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As the reauthorization of the Elementary and Secondary Education Act (ESEA) approaches, policymakers are considering strategies that will achieve what the law initially set out to do—narrow achievement gaps and ensure that all students are proficient in academic subjects. Although there are numerous research-based strategies that can improve the condition of education, not every strategy will work for all students. Special populations such as American Indians, Alaska Natives, and Native Hawaiians, for instance, are in unique circumstances that merit alternative approaches. Among alternative approaches for these groups is native-language education—a promising, potentially scalable practice that is currently only used sporadically.

Research has shown that culturally based education, including the use of native languages, can have significant positive effects for students, including improved retention, graduation rates, college attendance rates, and standardized test scores (Demmert & Towner, 2003; Wilson & Kamana, 2006; Prease-Pretty On Top, n.d.). Support for native-language education is growing, particularly among indigenous leaders and groups such as the National Indian Education Association, the National Indian School Boards Association, and the National Congress of American Indians (Rehyner, 2010; Navajo Nation, 2011). Despite its potential promise, however, the use of native-language education and its efficacy is still variable. Part of this variability can be attributed to provisions within U.S. federal law.

This brief provides an overview of three federal laws that address native-language education: the Native American Languages Act (NALA), the Esther Martinez Native American Languages Preservation Act (NALPA), and ESEA's 2002 iteration and current law, the No Child Left Behind Act (NCLB). Three examples are later presented to illustrate how these federal laws produce different results when coupled with state laws and other regional circumstances. Although policy related to native-language education often involves immigrants to the United States, this brief focuses on American Indians, Alaska Natives, and Native Hawaiians and uses Puerto Rico as a point of comparison. Recommendations appear at the end of the document.

Addressing Native-Language Education

Native American Languages Act

In 1990, Congress passed NALA, which recognizes the unique status of Native American cultures and languages.¹ According to the law, it is U.S. federal policy to “preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages” (Native American Languages Act of 1990 [NALA], 25 U.S.C. 2903). Further, NALA declares U.S. federal support for “the use of Native American languages as a medium of instruction” (NALA, 25 U.S.C. 2903). NALA's authors articulate a number of reasons for encouraging instruction in native languages, including not only language survival and community pride, but also improved educational opportunity and increased student achievement.

¹ In Both NALA and NALPA, the term “Native American” includes American Indians, Alaska Natives, Native Hawaiians, and Pacific Islanders.

Esther Martinez Native American Languages Preservation Act

NALPA, an act that builds on but does not replace NALA, was signed into law in December 2006. Named after Esther Martinez, a Tewa² teacher and storyteller, NALPA bolsters federal support for native-language education by creating and funding the following programs.

- Native American language nests are educational programs that provide instruction and child care to at least 10 children under the age of seven and offer Native American language classes to their parents. Such programs use Native American language as the primary language of instruction.
- Native American language survival schools are similar to language nests but have broader aims and more objectives. Located in regions with high numbers of Native Americans, these schools provide a minimum of 500 hours of instruction in at least one Native American language to at least 15 students. These schools aim to achieve student fluency in a Native American language alongside proficiency in mathematics, science, and language arts. Moreover, survival schools provide for teacher training and develop instructional courses and materials to advance Native American language learning and teaching.
- Native American language restoration programs operate one or more Native American language programs. In addition to delivering instruction in at least one Native American language, these programs provide training to Native American language teachers and develop instructional materials for Native American language programs. Funds are given to restoration programs for a variety of activities that increase proficiency in at least one Native American language, such as language immersion programs, culture camps, Native American language teacher training programs, and the development of books and other media.

Elementary and Secondary Education Act

Like NALA and NALPA, ESEA contains specific provisions that affect native-language education. Title VII of ESEA declares that the federal government will support both “the basic elementary and secondary educational needs” of Indian children and “the unique educational and culturally related academic needs of these children” (The No Child Left Behind Act of 2001 [NCLB], 20 USC 7401). Programs supported under Title VII include those related to curriculum development, academic enrichment, professional development, early-childhood education, career preparation, family literacy, and at-risk children and youth, among others. Within these and other programs, Title VII prioritizes the linguistic and cultural needs of American Indians, Native Hawaiians, and Alaska Natives. Examples of this priority include Title VII support for the following:

- Demonstration projects designed to explore “the use of Indian languages and exposure to Indian cultural traditions”
- Projects that address “the use of the Hawaiian language in instruction”
- “Instructional programs that make use of Native Alaskan languages” (NCLB, 20 USC 7454, 7515, 7544)

Title I of ESEA requires that states submit plans for a single, statewide accountability system that will determine whether local education agencies (LEAs) and schools are making adequate yearly progress (AYP). Title I also requires participating states to administer annual assessments in grades 3–8. These assessments are then factored into the performance of states, LEAs, and schools, and any actions that may be required as a result of performance status.

²The Tewa are a group of Pueblo American Indians who speak the Tewa language.

These mandates affect native-language education because, in most instances, the assessments required by Title I must be administered in English; however, assessments can be administered in a native language if specific conditions are met. For instance, ESEA allows LEAs to test “limited English proficient” students in their native language when doing so produces “accurate data on what such students know and can do in academic content settings” and when certain other legal conditions are met (NCLB, 20 USC 6311). However, ESEA limits the number of years that students may be assessed in a language other than English. Because Title I requires English-language testing in the majority of cases, native-language education programs may face challenges related to these assessment requirements.

Native-Language Education in Practice

The form that native-language education takes as a result of NALA, NALPA, ESEA, and other laws differs by geography and population. The examples below illustrate some of these differences.

Hawai‘i

The Hawai‘i State Constitution makes Hawaiian an official language and requires the state to “provide for a Hawaiian education program consisting of language, culture, and history in the public schools” (Hawai‘i Const. art X, § 4). Under this mandate, the Hawai‘i Department of Education (HIDOE) is able to support Native Hawaiian education.

One example of this support is Ka Papahana Kaiapuni Hawai‘i, the Hawaiian Language Immersion Program (HLIP). HLIP is a K–12 language immersion program that includes 21 schools in which Hawaiian is the language of instruction until English is introduced in 5th grade. Thereafter, these schools use both Hawaiian and English. The program aims to produce students who are proficient in both Hawaiian and English and who have a strong understanding of Hawaiian culture (Hawaiian Language Immersion Program, n.d.). Nāwahīokalani‘ōpu‘u (Nāwahī) is another PreK–12 Hawaiian immersion program that has laboratory school status under the University of Hawai‘i at Hilo. Nāwahī has been particularly successful, averaging a 100 percent graduation rate and an 80 percent college attendance rate (Wilson & Kamana, 2006).

Though immersion schools like these have used native-language instruction for many years, the language of assessment remains an unresolved issue. Since ESEA’s 2002 reauthorization, Hawai‘i has used various assessments for immersion school students in grades 3 and 4. However, recent assessments have been criticized, and sometimes boycotted, for translation inaccuracies (Poythress, 2012). In 2012, HIDOE began developing original Hawaiian-language assessments for immersion students in grades 3 and 4 (Hawai‘i Department of Education, 2012). Immersion school students in subsequent grades are tested in English due to the limitations on native-language assessment established by ESEA.

Puerto Rico

Public schools in Puerto Rico oscillated between using Spanish and English in schools until 1949, when Spanish was declared the official language of instruction (Puerto Rico Department of Education [PRDE], 2012). Today, public schools are governed by the 1999 Organic Act of the PRDE, which supports student mastery of both Spanish and English (PRDE, 2012). As an unincorporated territory, Puerto Rico is also subject to ESEA. However, due to historical and political circumstances, ESEA contains exceptions that allow Puerto Rico to continue its tradition of using Spanish as the primary language of instruction.

In practice, Puerto Rican schools use Spanish as the language of instruction and teach English as a foreign language (PRDE, 2012). The PRDE uses its own standards in Spanish language arts, mathematics, science, and English as a second language. These standards serve as the basis for Puerto Rico's annual assessments, the *Pruebas Puertorriqueñas de Aprovechamiento Académico* (PPAA) and the *Pruebas Puertorriqueñas de Evaluación Alterna* (PPEA) for students with disabilities (PRDE, 2012).

The Navajo Nation

The education of Navajo children in their native language is complicated by the number of governing entities involved in that education. As the largest federally recognized tribe in the United States, the Navajo Nation is spread across Arizona, New Mexico, and Utah, and 82 percent of its people speak Diné, the Navajo language, as the primary language in their homes (Hearing on Some Tribal Perspectives, 2012). Because Navajo-serving schools involve three entities—public schools in the above states, the Bureau of Indian Affairs public schools, and Navajo-controlled schools—instruction and assessment for Navajo children depends on which entity governs their school.

Despite this variability, a number of schools offer instruction in Diné. Navajo Head Start programs use Diné as the primary language of instruction. Similarly, Tséhootsooí Diné Bi'ólta', the Diné Language Immersion School, delivers instruction solely in Diné in kindergarten and 1st grade and then slowly integrates English into the classroom (Window Rock Unified School District, 2011). Alternatively, students attending the Navajo Preparatory School in New Mexico receive primary instruction in English and take Navajo as a second language (Navajo Preparatory School, 2012).

Efforts are also underway to streamline Navajo education. In 2005, the Navajo Nation passed the Navajo Sovereignty in Education Act (NSEA), declaring Navajo Nation authority over the education of Navajo people. The Act requires that schools serving the Navajo Nation promote proficiency in both Navajo and English, as well as create standards and assessments that bring together the state's academic standards and the Navajo Nation's language and cultural knowledge standards.

In January 2011, the Navajo Nation submitted an alternative accountability workbook to the U.S. Department of Education (ED) and the U.S. Department of Interior (DOI) in accordance with ESEA. This workbook proposes a single plan for all tribally controlled schools in the Nation that allows for the adoption of Navajo standards on culture, language, history, governance, and *ke* (character), and proposes annual measurable objectives in reading, mathematics, and Navajo studies. Further, the workbook commits the Navajo Nation to identifying assessments for proficiency both in Navajo and English and to working with the Bureau of Indian Education (BIE), educators, and parents to assure not only the "reliability and validity" of assessments but also their "cultural meaning and utility" (Navajo Nation, 2011, p. 34).

Such proposals could mean significant changes for Navajo-language education. However, USED and DOI have not yet responded to the proposed plan. Additionally, the BIE submitted an ESEA flexibility request to USED in September 2012, and Arizona, New Mexico, and Utah already have approved flexibility requests. All of these could affect Navajo-language education.

Questions to Consider

While NALA, NALPA, and ESEA all contain provisions that support native-language education, certain provisions, such as those related to assessment in ESEA, may present challenges. As the examples from Hawai‘i, Puerto Rico, and the Navajo Nation demonstrate, local laws and special circumstances affect the type of language instruction used in different areas. The questions below will guide policymakers as they consider native-language instruction in the regions that they represent.

Policy Issue	Questions for Policymakers to Consider
Populations seeking to preserve their native language(s)	1. What populations live in my region? What languages do they speak? Are any of these languages dying or nearly extinct?
	2. Is the preservation of native languages a priority for special populations and interest groups in my region? Does current policy support the preservation of native languages in my region?
	3. What governance structures affect the education of different populations in my region? How do these structures affect native languages or their use in schools?
Native language(s) as the medium of instruction	1. Do schools in my region currently use native languages as a medium of instruction? Are native languages used in immersion or partial immersion programs? Are native languages taught as a foreign language?
	2. Do schools offer native-language instruction that satisfies the needs of the populations in my region? What policies support native-language instruction in my region? Do any policies hinder that instruction?
	3. Are educators qualified to teach the native languages prioritized by special populations and interest groups in my region? Do preparation programs and professional development opportunities support the development of educators who are qualified to teach native languages?
Native language standards and assessments	1. Does my region have standards in native languages and cultures? Are there special populations or interest groups in my region that support such standards? Do current policies allow for or support standards in native languages and cultures?
	2. In what languages are assessments in my region administered? Do assessments currently meet the needs of populations who speak languages other than English? What policies affect native-language assessment in my region?
	3. Do assessments in my region satisfy the goals of NALA?

Recommendations

Current federal policy can both support and hinder efforts to promote native-language education. As ESEA reauthorization approaches and states implement plans for ESEA flexibility, policymakers may wish to re-examine native-language education in their regions. The following recommendations can assist policymakers as they begin this process.

1. Policymakers should review the needs and priorities of populations in their region that speak a language other than English, including American Indian, Alaska Native, or Native Hawaiian populations.
 - Gather information on the languages and cultures of populations that speak languages other than English, including information on the likelihood of those languages surviving and whether various groups prioritize their preservation.
 - Investigate policies related to the preservation of languages and their use in education.
 - Examine governance structures affecting populations that speak a language other than English, including indigenous populations, and consider whether they support the needs and priorities of those populations.
2. Policymakers should examine the utility of native languages in instruction.
 - Review the current status of native language use in schools, including the degree to which schools rely on native-language instruction and the efficacy of that reliance.
 - Consider whether the degree to which schools currently rely on native-language instruction effectively meets the needs of different populations.
 - Investigate policies related to educators that affect their ability to teach in a native language, including policies related to teacher preparation and professional development.
3. Policymakers should evaluate the status of standards and assessments in native languages and cultures in their region.
 - Consider current policy related to standards in native languages and cultural knowledge and whether that policy meets the needs of different populations.
 - Compile and assess information regarding the use of native-language assessments and evaluate whether that use meets the needs of special populations and interest groups and the goals of NALA.

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